

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ASSOCIATION OF COMMUNITY  
ORGANIZATIONS FOR REFORM NOW;  
ACORN INSTITUTE, INC.;  
and MHANY MANAGEMENT, INC.,  
f/k/a NEW YORK ACORN HOUSING  
COMPANY, INC.,

Plaintiffs,

**ORDER**  
**09-CV-4888 (NG)**

-against-

UNITED STATES OF AMERICA;  
SHAUN DONOVAN, Secretary of the Department  
of Housing and Urban Development;  
PETER ORSZAG, Director,  
Office of Management and Budget;  
TIMOTHY GEITHNER, Secretary of the  
Department of Treasury of the United States;  
LISA P. JACKSON, Administrator  
of the Environmental Protection Agency;  
GARY LOCKE, Secretary of Commerce; and  
ROBERT GATES, Secretary of Defense.

Defendants.

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GERSHON, United States District Judge:

Defendants' motion to "stay declaratory judgment and permanent injunction pending appeal, or in the alternative, for a temporary administrative stay" is denied. Defendants have shown no substantial possibility of success on the merits on appeal. Plaintiffs risk significant and pressing irreparable injury if a stay is issued. On the other hand, defendants have demonstrated no irreparable harm or damage to the public interest, as "each agency will continue to be able to use its discretion to determine the merit of the plaintiffs' proposals, and to suspend

the contracts for cause, or even to debar ACORN, if warranted under the terms and procedures in the contracts and applicable regulations.” *See ACORN v. United States*, 662 F. Supp. 2d 285, 299 (E.D.N.Y. 2009).

Plaintiffs’ “cross-motion for an order directing defendant Shaun Donovan’s immediate compliance with the court’s permanent injunction” is procedurally improper. In any event, it appears unnecessary in light of defendants’ response dated March 30, 2010.

**SO ORDERED.**

/s/ Nina Gershon  
**NINA GERSHON**  
**United States District Judge**

Dated: March 31, 2010  
Brooklyn, New York